

June 11, 2012

The Common Council met as the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Shelton, Fuelling, Curtis and Higgins attending. Others attending were Attorney Higgins, Superintendent Gray, Chief Beloit, Chief Dixon, Superintendent Givens, Commissioner Maynard, John Taylor – Economic Development, Nancy Sexton, Bob and Millie Dike, Pam Robinson – Posey County News and Sara Manifold – Mt. Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive the reading and approve the minutes as presented.

Board Member Fuelling moved the reading of the minutes be waived and they be approved as presented.
Seconded by Member Curtis.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker asked all those in favor of the motion to signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Board Member Higgins moved the claims presented be allowed for payment.
Seconded by Board Member Shelton.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear from the Water Chairman Curtis.

Water Chairman Curtis stated he has received an email from State Board of Accounts stating they have started the annual review. He stated he will be in touch with them as Water Chairman and will bring any information back to the board.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker asked Water Superintendent Gray if he had anything to report to the board. Superintendent Gray stated he had no report.
Mayor Tucker asked if anyone had any questions for Superintendent Gray.
There were none.

Mayor Tucker asked if the Clerk-Treasurer Dike had any communication for the Board.
Clerk-Treasurer Dike replied not at this time.

Mayor Tucker stated the next item on the agenda is legals.

Attorney Higgins stated she has one item, she stated that Bob and Millie Dike are present tonight to ask the Board for Water Service at 7251 Sauerkraut Lane. She stated this is on the west side of the road where there is a 6 inch main. Attorney Higgins stated there would be no boring. Attorney Higgins stated that Water Superintendent Gray has reviewed it and agrees to provide service.

Superintendent Gray stated that there is adequate volume and pressure.

Board Member Curtis makes a motion to allow tap in and standard fee for Bob and Millie Dike at 7251 Sauerkraut Lane.

Seconded by Board Member Shelton.

Mayor Tucker asked if there was any discussion.

There was none.

Roll call vote was taken by Clerk-Treasurer Dike; Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – absent, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Attorney Higgins stated the paperwork is signed she has the recording fees and will record it and the originals will go the Clerk-Treasurer office and a copy to Water Superintendent Gray and to the user.

Mayor Tucker asked if there were any questions.

There were none.

Mayor Tucker asked if anyone in the audience wishes to address the board.

There was no response.

Mayor Tucker asked if anyone had anything under old business.

There was no response.

Mayor Tucker asked if anyone had anything under new business.

There was no response.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Member Curtis moved the meeting be adjourned.

Seconded by Member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Shelton, Fuelling, Curtis and Higgins attending. Others attending were Attorney Higgins, Superintendent Gray, Chief Beloit, Chief Dixon, Superintendent Givens, Street Commissioner Maynard, John Taylor – Economic Development, Nancy Sexton, Pam Robinson – Posey County News and Sara Manifold – Mt. Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of the previous meeting and by asking if there were any corrections or additions. He added if not he entertains a motion to waive their reading and approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street and Light Chairman Fuelling – stated he has no report.
Commissioner Maynard stated he has no report.

Police and Dog Chairman Shelton – stated she has no report.
Chief Beloit stated he has no report.

Fire Chairman Higgins – stated she has no report.

Chief Dixon stated he has no report.

Sewer Chairman Hoehn – was absent.

Superintendent Givens stated he has no report.

Mayor Tucker asked if there were any questions.

There were none.

Mayor Tucker stated they have the financial reports in front of them any questions they may have can be directed to the Clerk-Treasurer.

Mayor Tucker asked if Clerk-Treasurer Dike had any communication for the Council. Clerk-Treasurer Dike replied not at this time.

Mayor Tucker stated they are now ready for legals.

Attorney Higgins stated the first item on the agenda is the 2nd reading of the ordinance moving the Council meetings from the 2nd and 4th Mondays to every other Thursday.

Councilman Curtis makes a motion to approve on 2nd reading the Ordinance moving the Council Meetings to every other Thursday.
Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion.

Councilwoman Higgins stated she wanted to let everyone know why she had voted no on this the last time. She stated there are times when engineering firms come to the Board of Works Meetings and those meetings could run long. She stated that would make a long evening for whoever is on the Board of Works.

Councilman Fuelling stated how soon after the 2nd and 3rd reading would the next council meeting be? He stated the council and board of works are in the same week now and that would be nice if we start off like that.

Attorney Higgins stated if the 3rd reading is passed on the 25th the next Monday that the council meeting would be is July 9nd and the board of works would be July 12th in the same week. So the next Council meeting if passed on the 25th would be July 12th if passed without any amendments.

Councilman Curtis asked if the changes have to be published in the paper.

Attorney Higgins stated when approved the Clerk-Treasurer will send out notices to the papers stating from here on after the meeting dates have been changed to. She stated it is just like what she does at the beginning of a new year.

Mayor Tucker asked if there was any discussion.

There was none.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – absent, Councilman Curtis – yes, Councilwoman Higgins – no.

Attorney Higgins stated the next reading will be on the 25th.

Attorney Higgins stated the next item on the agenda is the 2nd reading of the Traffic Ordinance changing the angel parking to parallel parking and eliminating 1 spot West of the Courthouse Exit Drive.

Councilman Fuelling makes a motion to pass on 2nd reading the Traffic Ordinance changing the angle parking to parallel parking and eliminating 1 spot West of the Courthouse Exit Drive.

Seconded by Councilman Higgins.

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – absent, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker stated the ordinance passed unanimously on 2nd reading and the 3rd reading will be June 25th.

Attorney Higgins stated the next legal she wanted to bring before the Council is not on the agenda but was emailed out to the council. She stated it is the Resolution Adopting Conditional Agreement for Assignment and Assumption of Tax Sale Certificate and Assignment and Acceptance of Assignment of Tax Sale Certificates. She stated this is taking assignment of the tax sale certificates. She stated Sherry Willis has been in negotiation with the County to take ownership or title of these properties that have not sold on the tax sale. Attorney Higgins stated no one is paying taxes on them.

Attorney Higgins stated a new statute allows the county to take tax certificates and assign them to another municipality. The county has approved a resolution to assign the following properties to us. Attorney Higgins stated the county is holding the certificates for these properties which have been up for tax sale 3 times and not sold. She stated the properties are:

1100 Canal Street
831 Mulberry Street
212 Kimball Street
404 W 9th Street
918 Mill Street
920 Mill Street

Attorney Higgins stated Mrs. Willis believes she can find people to either purchase these or assign to adjoining neighbors to either clean up and return these properties to the tax bill free and clear of all past taxes. Attorney Higgins stated if we take assignment we would go thru the process to get the deed from them. She stated we will have to do some title work, put some notices in the newspaper and in that process she stated could take 120 days. She stated we would then petition the court for a deed. She stated if we have the deed if we can find a buyer, the city is paid back for any legal costs related to the

deed process and any weed liens we may have with the proceeds divided with the county. She stated if the property is razed the city is reimbursed 50% of the demolition costs.

Councilman Curtis stated this is the opportunity to get the properties back on the tax roll.

Councilman Curtis makes a motion to take the deeds on the properties and approve the Resolution Adopting Conditional Agreement for Assignment and Assumption of Tax Sale Certificate and Assignment and Acceptance of Assignment of Tax Sale Certificates of the above mentioned properties with the stipulations described.
Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike; Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – absent, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously

Clerk-Treasurer Dike stated the Resolution is numbered 12-10 at 7:19pm.

Attorney Higgins stated the last item she has under legal is the Resolution adopting a policy concerning nepotism and contracts with related persons and entities.

In regards to employment any individuals who are relatives may not be employed by the City in a position that results in 1 relative being in the direct line of supervision of the other relative.

Attorney Higgins stated this is in regards to employment and contracts. She stated the law becomes effective on July 1, 2012. She stated any individual who is employed by the City on July 1st 2012 is not subject to this policy and is grandfathered in, but stated you cannot promote anyone if this puts you in violation of the Resolution.

Attorney Higgins stated that each elected officer of the City shall annually certify in writing, no later than December 31 of each year that they are in compliance. She stated the consequence to not adopting a policy is that the State Board of Accounts cannot approve a budget for any entity that has not submitted proof of adoption.

She stated the policy adopts both codes at their minimal levels. She stated if you want to make them more restrictive you can. She stated these 2 adopts the law as passed.

Councilman Curtis stated this is something we have to adopt.

Councilman Curtis makes a motion to accept this Resolution adopting a policy concerning nepotism and contracts with related persons and entities.
Seconded by Councilwoman Shelton.

Councilman Fuelling stated he was just trying to figure out how this works. He stated if I am chairman over the street department then my family could not work as summer help at the street department?

Attorney Higgins stated if you are making decisions for, hiring or firing then you are in direct supervision. Relatives are: spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece or nephew, aunt or uncle, daughter-in-law or son-in-law.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – absent, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously

Clerk-Treasurer Dike stated the Resolution is numbered 12-11 at 7:29pm.

Mayor Tucker asked if anyone in the Audience wished to address the board.
There was no response.

Mayor Tucker asked if anyone had anything under old business.
There was no response.

Mayor Tucker asked if anyone had anything under new business.
There was no response.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn was absent

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker asked if there were any questions.
There was none.

Mayor Tucker stated under Mayor's Announcements he wanted to mention that under State Statute we have been written up by State Board of Accounts every year for not doing sewer liens. He stated that is in place now and he has asked Attorney Higgins, Superintendent Givens and Vicki Bethel for an informative meeting with landlords.

Superintendent Givens stated the first batch of letters have gone out with 20 days to pay.

Mayor Tucker stated there is an informative meeting scheduled for Tuesday June 19th at 4:00pm. regarding sewer liens. He stated they thought about an article in the paper but thought a meeting would be better to answer all the questions that could come up.

Councilman Curtis stated it is important to have something in place to get them to everybody, every time.

Mayor Tucker also stated under Mayor's Announcements that he had made contact with Umbaugh last week and their analysis for the City is finished. He stated we should have a draft copy sometime this week. He stated the clock is ticking for budget time.

Mayor Tucker asked if there was any discussion.

John Taylor with Economic Development stated he did have a question from earlier. He asked if there was a reason why we don't have a group come in like Habitat and get the houses back in good shape.

Attorney Higgins stated Habitat has been contacted but as of right now only build on empty lots.

Mayor Tucker asked if there was any discussion.

There was none.

Mayor Tucker stated if there is no further business he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned.

Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker

Mayor

ATTEST:

Denise Dike

Clerk-Treasurer